

**BATTLE CREEK CITY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, October 27, 2010**

**1. Call to Order:**

Chairman Preston Hicks, called the meeting to order at 4:00 p.m.

**2. Attendance:**

**Members Present:**

John Godfrey	Preston Hicks	John Stetler
Susan Baldwin (Mayor)	William Morris	
Jan Frantz	Chip Spranger	

**Members Excused:** Steve Barker

**Staff Present:** Jill Steele, Deputy City Attorney  
Glenn Perian, Senior Planner  
Leona Parrish, Administrative Assistant

- 3. Additions or Deletions to the Agenda:** Postpone the items under Old Business: A) Master Plan Update and B) Discussion regarding residential zoning; until next meeting when Ms. Hilton, Planning Supervisor will be in attendance.
- 4. Approval of Minutes:** Meeting Minutes of September 22, 2010.

**A MOTION WAS MADE BY COMMISSIONER STETLER, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR SEPTEMBER 22, 2010 AS SUBMITTED.**

**VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

- 5. Correspondence:** Received three(3) letters in support and one(1) e-mail from four NPC #3 members not in support for SUP # S-05-10, request for Neighborhood Park.
- 6. Public Hearing & Deliberations/Recommendations:**
- A. Special Use Permit (#S-05-10):** Petition from Ms. Janet Clemens, 48 E. Bidwell, Battle Creek, MI 49015, requesting a Special Use Permit to allow a vacant lot to be used as a Neighborhood Park in an "R-2 Two Family Residential District" as permitted under the Planning and Zoning Code, Chapter 1290, Sec. 1290.01(b)(14), for property located on E. Bidwell Street, Parcel #8140-00-027-0.

Chairman Hicks declared the public hearing for #SUP-05-10 open.

Mr. Glenn Perian, Senior Planner, reviewed the request; noted the subject site is located on the south side of E. Bidwell Street, between Terrace Avenue and Randolph Street, and is 9,148 s.f. (.21 acre) in size, which is consistent with the size of parcels in the neighborhood. It is "L" shaped with 44' frontage along E. Bidwell Street and 66' frontage along Randolph Avenue. The zoning of the subject property as well as surrounding properties is R-2 One/Two Family Residential. The property is

currently vacant any improvements, as the house at this location was demolished in 2000. The grade at the front portion of the parcel along E. Bidwell Street is relatively flat, with a retaining wall supporting the south end of the property which slopes up toward the neighboring property.

Mr. Perian stated the ownership of the parcel has been transferred to various non-profit or government entities since 1995. There have been numerous weed violations up until the time Neighborhoods, Inc. became owner in 2007. Previous to Neighborhoods Inc. acquiring this parcel, the City had received numerous weed violation complaints. Stated the petitioner is planning to attend the Neighborhood Planning Council #3 meeting in November to explain the project.

Mr. Perian noted the request meets the general standards listed in Chapter 1290.04 as outlined in the staff report; therefore the planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S-05-10 that would allow a private park on Parcel # 8140-00-027-0 with the (6) conditions outlined in the staff report.

Ms. Janet Clemens, 48 E. Bidwell, Director of Spring Grove Hills Neighborhood Association, came forward to speak regarding her request for a SUP for a Neighborhood Park. Stated this parcel had been a vacant property for several years and an eyesore for their neighborhood that had received many city citations for the brush etc.; said that R.O.T.C. from Central and neighborhood volunteers have been working on improving this parcel for the past three (3) years so it would be an enjoyable area for all the neighbors. Said they had completed a lighting project for over 60 homes in their neighborhood and wanted to light the park also; said they need the electricity approved for the park in order to move forward so they may install a electric pole that would be locked and would have conduit material on it to protect and be made safe for the children. Stated they have a very decorative 4 ft. fence in the front and would also like to install it around the rest of the property. They have an electrician that is with the IOP to volunteer do the electrical pole and work underground. Said they plan to have a 7 ft. fountain that was donated and have it included with the landscaping; said that many volunteers have done the work and plantings for the park for everyone to enjoy and are now in the second phase and are asking permission to move forward.

Ms. Sally Meyer, came forward to speak noted she is the co-owner of 32 E. Bidwell St. which is on the corner of Bidwell and Randolph St, which is the closest property to the proposed park. Stated as an educator she supports the concept of a park for persons to meet safely; however they have some concerns to pass on from their renters that live on that property as it is a rental property. First of all on the backside of the property that faces Randolph St. there is only about 2 ft. distance between the edge of the lot line and between the two properties with no barrier to park and on the other side there is approximately 15 ft. There renters concerns are regarding the addition of lights to the property, and at night with people meeting there and becoming a possible hang-out area. Said if it became a problem they could have a loss of income if their renters moved; noted they would be interested in selling their property so the park would then be more centralized and away from the property around it, but as it is right now they do not feel they could support the park if the plan is to have the lights and noise less than 15 ft. distance from where people are living in the home.

Ms. Gloria Russo, 9 Pioneer, stated she was an NPC#3 member and does not have any definite opinion about it one way or another yet because they have not been afforded the opportunity to hear from Ms. Clemens about their plan as she did not come to their NPC and present this. Said she did not know of this and does not have e-mail and had not received the email that was sent out from their chairperson asking for a letter of support without holding a meeting or having a vote. Ms. Russo states there is

protocol that should be followed as with any project; she hopes this petition will be tabled until Ms. Clemons can come before the NPC, and then they will decide how they will support it or if they do not support it and that their concerns need to be heard. Said the petitioner had an opportunity to attend their October meeting to discuss their plans, knowing they have been working on for the past two years, that they were not aware of and they want the planning commission to table at this time.

Ms. Phyllis Hopkins, came forward and read that NPC's have a responsibility to the city government and the residents in their designated boundaries and in the three years of her involvement in NPC #3 all problems or changes put before them have been taken care of with fairness and for all concerned and the matter pertaining to a park in our council will be heard at the council meeting November 11, 2010, she is assuming and procedures will be followed there, and they have always treated applicants very fairly and like to welcome any opportunity to hear those requests.

Ms. Susanne Thurman, 105 Meachem Avenue, NPC#3 member came forward to speak; stated she is not opposed to the park, but want them to follow the protocol that everyone else has done that have come before them to ask for a letter of support and provide to the NPC information. Stated in her opinion it was rushed when there was an email sent out on the 22<sup>nd</sup> saying they have until Monday between 4:00 and 5:00 to get their Chairperson a yes or no vote; feels this is not right to those members that do not have e-mail. Said she is not against it but feels the petitioner needs to come to their meeting and provide information so they are informed in order to get a letter of support from the NPC.

Ms. Janet Clemens stated she received the e-mail from NPC#3 Chairperson and was not made aware that she was to attend their meeting. Said she assured them in her email response that she is planning on attending their NPC #3 meeting in November, and which will be before her petition is presented to the City Commission. Ms. Clemens stated they have been working on this park for three years and that some are in favor and has been aware of the park. Ms. Clemens asked to address the concerns of the neighbor regarding noise and lighting; said the park would be posted that it is only open during the daylight hours and would be monitored as they live close by. Stated that the lighting would for decorative purposes only and would be done by Consumers Energy and match the same yard-lights that everyone else has in the neighborhood.

Ms. Susanne Thurman stated speaking for another NPC #3 (Trudy Hall) member who is opposed wants the petition to be tabled also.

***Commissioner Hicks asked if there was anyone else wishing to speak either for or against this petition, seeing none the public hearing was closed.***

Commissioner Morris thanked the neighbors for looking out for their neighborhood and wanting a park; said that the Neighborhood Planning Council gives positive support and ask a lot of questions before they come to the Planning Commission. Suggest this petition be tabled until the next meeting.

Ms. Jill Steele, Deputy City Attorney, suggested the motion should be to adjourn until the next meeting, as table and adjourn have different meanings.

**A MOTION WAS MADE BY COMMISSIONER MORRIS, SUPPORTED BY COMMISSIONER GODFREY TO ADJOURN THE REQUEST FOR A SPECIAL USE PERMIT FOR A NEIGHBORHOOD PARK LOCATED AT PARCEL #8140-00-027-0**

**ON E. BIDWELL STREET UNTIL THEY HAVE ATTENDED THE CENTRAL  
NEIGHBORHOOD PLANNING COUNCIL MEETING.**

**Discussion:**

Commissioner Frantz asked for clarification of the motion; was it to adjourn. Commissioner Hicks stated that was correct.

Commissioner Godfrey stated because of the motion to adjourn; it has killed any further discussion.

Ms. Jill Steele stated if the motion is voted down; then you may further discuss.

Commissioner Godfrey stated because the motion was made so early in the discussion; it has killed any discussion and they are now faced with a motion. Stated if they act upon the motion and approve, then the issue at this point and time is done.

Commissioner Morris stated he made the motion because he feels that any discussion today is irrelevant and should be discussed when the petition is brought back before them after the petitioner attends the NPC meeting.

Commissioner Godfrey stated they could add any comments at the end of the meeting under "Comments by Staff and Commission Members". Commissioner Hicks stated that would be good.

Commissioner Hicks as if there were any further discussion, seeing none asked for a vote.

**A ROLL CALL VOTE WAS TAKEN: ALL IN FAVOR; NONE OPPOSED; MOTION APPROVED.**

7. **Old Business:** Removed from agenda until next meeting.

8. **New Business:**

**A. Approval of Year 2011 Planning Commission Meeting Dates:**

**A MOTION WAS MADE BY COMMISSIONER GODFREY, SUPPORTED BY COMMISSIONER FRANTZ TO APPROVE THE PLANNING COMMISSION MEETING DATES FOR THE YEAR 2011 AS SUBMITTED.**

**VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

**B. Election of New Officers:**

**A MOTION WAS MADE BY COMMISSIONER MORRIS, TO NOMINATE COMMISSIONER HICKS FOR CHAIRPERSON AND COMMISSIONER FRANTZ FOR VICE-CHAIRPERSON.**

Commissioner Hicks stated there was a nomination for chairperson and asked if there were any other nominations.

**Discussion:**

Commissioner John Godfrey asked Commissioner Hicks if he wished to serve another term as Chairperson. Commissioner Hicks stated, yes he would appreciate and accept the opportunity.

**A ROLL CALL VOTE WAS TAKEN TO ELECT COMMISSIONER HICKS FOR CHAIRPERSON FOR THE YEAR 2011.**

**ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

Commissioner Godfrey asked Commissioner Frantz if she would accept the nomination for Vice-Chairperson. Commissioner Frantz stated yes, she would consider it an honor.

Commissioner Hicks asked if there were any other nominations for vice-chairperson, seeing none.

**A ROLL CALL VOTE WAS TAKEN TO ELECT COMMISSIONER FRANTZ AS VICE CHAIR FOR THE YEAR 2011.**

**ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

9. **Comments by the Public:** Ms. Susan Bedsole congratulated Commissioner Hicks and Commissioner Frantz on their appointment as Chair and Vice-Chair.

10. **Comments by the Staff and Commission Members:**

Commissioner Godfrey stated he had two concerns regarding the request for a Special Use Permit for the Neighborhood Park; 1) Procedural of the request; that was addressed. 2) Lighting and fountain. Noted that the Orchard Place Neighborhood Park has similar concerns and was approved with conditions and that those conditions should be discussed with Ms. Janet Clemens by the Planning Department before she attends the NPC #3 meeting.

Commissioner Stetler asked if this were approved and the concerns get resolved; he has a real problem with charging the petitioner \$600 dollars for a public park, and would hope when it comes before the City Commission that they would consider refunding that amount because of a public use of the land.

Commissioner Morris stated he agreed with Commissioner Stetler and that if it was not too late he would like to put it into a motion to ask the city to refund; Commissioner Morris asked Ms. Steele if it was possible. Ms. Steele stated it was noted on the agenda.

Ms. Parrish asked to speak on behalf of Ms. Hilton who was not present today; that this is a private park and is owned by Neighborhoods Incorporated and is required under the Special Use Permit required to have a Special Use Permit approved. Stated that per city ordinance it falls under that category and that is why the petitioner is following through with the guidelines for the process for approval of a Special Use Permit.

Commissioner Morris asked if Ms. Susan Bedsole come forward and better inform the Planning Commission.

Ms. Susan Bedsole stated she understands the reasoning, but we still have out of pocket expenses as a city for publications, mailings and those types of things. Noted because this is a private entity, those cost still exist whether or not we waive the fee; so what you are asking is for the rest of the taxpayers to pay for their right to ask to come before the Planning Commission; you are asking for a subsidy by the rest of the taxpayers if we are going to use city dollars to pay for this request. Noted that at the end of the day it is not public land and is not necessarily public use; they choose to allow persons to come onto this property, but at any moment they can choose to not allow people as they still own the property. She encourages the commission to not waive those fees 1) because they are set and 2) because you are asking for a subsidy by other taxpayers.

Commissioner Hicks stated Ms. Bedsole addressed his question regarding who owns the property.

Commissioner Godfrey stated he would like to address to the Planning Department is that in the process between going from electrical and getting direction for Ms. Clemens to come directly to the Planning Commission; which missed coming to the NPC meeting, one of the basic criteria for the Planning Commission is that the petitioner attend the NPC meeting prior to the Planning Commission meeting. If in fact they were directed by Engineering, electrical to come to Planning and Planning did not pick-up on that; then he feels that is something in-house that needs to be corrected, so they are directed to attend their local Neighborhood Planning Council.

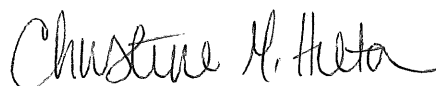
Commissioner Hicks stated he would doubt that Planning would have someone bypass that important process; feel that Commissioner Godfrey's comments are well taken and will be heeded. Commissioner Hicks stated that at the end of the day with this park regardless of how this goes; Neighborhoods Incorporated owns that property and are ultimately responsible for that property; the liabilities, utilities and so forth is the responsibility of NIBC whether the park is open a week or ten years, asked if this was true. Ms. Parrish said that Ms. Clemens had stated Neighborhoods Incorporated being the owner of the property would be holding the insurance liability for the park and would be the same as the Orchard Place Park private park; having it fenced, closed in the evenings and be taken care of and maintained by the neighbors.

Commissioner Stetler asked why the petition was from Ms. Clemens instead of Neighborhoods Incorporated. Ms. Parrish stated that Ms. Clemens submitted a letter of authorization with her application from Neighborhoods Incorporated giving her permission to request the Special Use Permit on their behalf.

**11. Adjournment:**

The meeting adjourned at 4:45 P.M.

Respectfully Submitted, \_



Christine M. Hilton, AICP  
Executive Secretary  
Planning Commission